

1 COUGHLIN STOIA GELLER  
2 RUDMAN & ROBBINS LLP  
3 SHAWN A. WILLIAMS (213113)  
4 100 Pine Street, Suite 2600  
5 San Francisco, CA 94111  
6 Telephone: 415/288-4545  
7 415/288-4534 (fax)  
8 shawnw@csgr.com  
9 - and -  
10 TRAVIS E. DOWNS III (148274)  
11 JEFFREY D. LIGHT (159515)  
12 BENNY C. GOODMAN III (211302)  
13 655 West Broadway, Suite 1900  
14 San Diego, CA 92101-3301  
15 Telephone: 619/231-1058  
16 619/231-7423 (fax)  
17 travisd@csgr.com  
18 jeffl@csgr.com  
19 bennyg@csgr.com

20 Lead Counsel for Plaintiffs

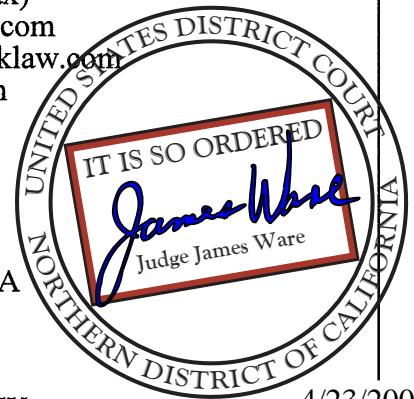
21 UNITED STATES DISTRICT COURT  
22 NORTHERN DISTRICT OF CALIFORNIA  
23 SAN JOSE DIVISION

24 In re AFFYMETRIX DERIVATIVE  
25 LITIGATION

26 This Document Relates To:

27 ALL ACTIONS.

28 BARROWAY TOPAZ KESSLER  
MELTZER & CHECK, LLP  
ERIC L. ZAGAR (250519)  
ROBIN WINCHESTER  
TARA P. KAO  
280 King of Prussia Road  
Radnor, PA 19087  
Telephone: 610/667-7706  
610/667-7056 (fax)  
ezagar@sbtklaw.com  
rwinchester@sbtklaw.com  
tkao@btkmc.com



4/23/2009

No. C-06-05353-JW  
NOTICE OF STATUS OF FILING  
SETTLEMENT DOCUMENTS

DATE: April 27, 2009  
TIME: 9:00 a.m.  
COURTROOM: The Honorable  
James Ware

20

21

22

23

24

25

26

27

28

1 This statement is filed on behalf of Federal Plaintiffs Samuel D. Powers, Dr. Norman Bolz  
2 and Dr. Irwin Berkowitz, Individual Defendants Stephen P.A. Fodor, Ph.D., Paul Berg, John A.  
3 Young, John D. Diekman, Vernon R. Loucks, Jr., David B. Singer, Kenneth J. Nussbacher, Richard  
4 P. Rava, Gregory T. Schiffman, Susan E. Siegel, Edward M. Hurwitz, Vernon A. Norviel and  
5 Ronald D. Verdoorn, nominal defendant Affymetrix, Inc. ("Affymetrix") and Affymetrix's Special  
6 Litigation Committee of its Board of Directors. We previously advised the Court that the parties in  
7 this action have agreed to terms on a settlement of this derivative action, and a hearing for  
8 preliminary approval of the proposed settlement has been set for Monday, April 27, 2009, at 9:00  
9 a.m. The parties have been diligently working on the drafting of a mutually agreeable stipulation of  
10 settlement and supporting papers over the last several weeks. The negotiation and drafting of those  
11 papers is completed and the parties are in the process of final approval. As a result, the parties  
12 believe that they will be able to file the stipulation and supporting papers no later than noon on  
13 Wednesday, April 29, 2009. The parties therefore respectively propose that the hearing for  
14 preliminary approval of settlement be continued until Monday, May 4, 2009, at 9:00 a.m., or such  
15 time that would be convenient for the Court.

16 | DATED: April 23, 2009

COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP  
SHAWN A. WILLIAMS  
100 Pine Street, Suite 2600  
San Francisco, CA 94111  
Telephone: 415/288-4545  
415/288-4534 (fax)

COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP  
TRAVIS E. DOWNS III  
JEFFREY D. LIGHT  
BENNY C. GOODMAN III

s/ Jeffrey D. Light  
JEFFREY D. LIGHT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

655 West Broadway, Suite 1900  
San Diego, CA 92101-3301  
Telephone: 619/231-1058  
619/231-7423 (fax)

BARROWAY TOPAZ KESSLER  
MELTZER & CHECK, LLP  
ERIC L. ZAGAR  
ROBIN WINCHESTER  
280 King of Prussia Road  
Radnor, PA 19087  
Telephone: 610/667-7706  
610/667-7056 (fax)

Lead Counsel for Plaintiffs

\*\*\*\*\*

**IT IS SO ORDERED:**

The Preliminary Approval hearing currently set for April 27, 2009 at 9:00 AM is CONTINUED to May 4, 2009 at 9:00 AM. The parties are to file their respective documents on or before **April 29, 2009 by NOON.**

Dated: April 23, 2009

  
United States District Judge James Ware

1                   CERTIFICATE OF SERVICE

2                   I hereby certify that on April 23, 2009, I electronically filed the foregoing with the Clerk of  
3 the Court using the CM/ECF system which will send notification of such filing to the e-mail  
4 addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have  
5 mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF  
6 participants indicated on the attached Manual Notice List.

7                   I certify under penalty of perjury under the laws of the United States of America that the  
8 foregoing is true and correct. Executed on April 23, 2009.

9  
10                   s/ Jeffrey D. Light  
11                   JEFFREY D. LIGHT

12                   COUGHLIN STOIA GELLER  
13                   RUDMAN & ROBBINS LLP  
14                   655 West Broadway, Suite 1900  
15                   San Diego, CA 92101-3301  
16                   Telephone: 619/231-1058  
17                   619/231-7423 (fax)

18                   E-mail:jeffl@csgrr.com

19  
20  
21  
22  
23  
24  
25  
26  
27  
28

## Mailing Information for a Case 5:06-cv-05353-JW

### Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Arthur Joseph Burke**  
arthur.burke@dpw.com
- **Barbara A. Caulfield**  
bcaulfield@dl.com,shanlon@dl.com
- **John Walter Downing**  
jdowning@dl.com
- **Travis E. Downs , III**  
travisd@csgrr.com,e\_file\_sd@csgrr.com
- **Angela Lucille Dunning**  
adunning@cooley.com
- **John C. Dwyer**  
giovannib@cooley.com,dwyerjo@cooley.com
- **Lawrence Timothy Fisher**  
ltfisher@bramsonplutzik.com,moldenburg@bramsonplutzik.com
- **Benny Copeline Goodman , III**  
bennyg@csgrr.com,e\_file\_sd@csgrr.com
- **Jeffrey Michael Kaban**  
kabanjm@cooley.com,mcintoshjc@cooley.com
- **Alan R Plutzik**  
aplutzik@bramsonplutzik.com
- **Alan Roth Plutzik**  
aplutzik@bramsonplutzik.com
- **Peter Edward Root**  
proot@dl.com,dmeek@dl.com
- **Kathryn Anne Schofield**  
kschofield@bramsonplutzik.com,moldenburg@bramsonplutzik.com
- **Rajat Soni**  
rajat.soni@dpw.com,arthur.burke@dpw.com,brian.romanow@dpw.com
- **Robin Winchester**  
rwinchester@sbtklaw.com,cmcginis@sbtklaw.com,swolfenden@sbtklaw.com
- **Eric L. Zagar**  
ezagar@sbtklaw.com,kpopovich@sbtklaw.com,der\_filings@sbtklaw.com,rwinchester@sbtklaw.com

### Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

**Sandra G. Smith**  
Schiffrrin Barroway Topaz & Kessler, LLP  
280 King of Prussia Road  
Radnor, PA 19087

**Manual Notice**

Justin Goodyear  
Davis Polk & Wardwell  
450 Lexington Avenue  
New York, NY 10017  
212/450-4000  
212/450-3800 (Fax)